

# Nuclear Regulatory Commission

§ 30.72

Byproduct material	Microcuries
Thallium 200 (Tl 200) .....	100
Thallium 201 (Tl 201) .....	100
Thallium 202 (Tl 202) .....	100
Thallium 204 (Tl 204) .....	10
Thulium 170 (Tm 170) .....	10
Thulium 171 (Tm 171) .....	10
Tin 113 (Sn 113) .....	10
Tin 125 (Sn 125) .....	10
Tungsten 181 (W 181) .....	10
Tungsten 185 (W 185) .....	10
Tungsten 187 (W 187) .....	100
Vanadium 48 (V 48) .....	10
Xenon 131m (Xe 131m) .....	1,000
Xenon 133 (Xe 133) .....	100
Xenon 135 (Xe 135) .....	100
Ytterbium 175 (Yb 175) .....	100
Yttrium 90 (Y 90) .....	10
Yttrium 91 (Y 91) .....	10
Yttrium 92 (Y 92) .....	100
Yttrium 93 (Y 93) .....	100
Zinc 65 (Zn 65) .....	10
Zinc 69m (Zn 69m) .....	100
Zinc 69 (Zn 69) .....	1,000
Zirconium 93 (Zr 93) .....	10
Zirconium 95 (Zr 95) .....	10
Zirconium 97 (Zr 97) .....	10
Any byproduct material not listed above other than alpha emitting byproduct material .....	0.1

[35 FR 6427, Apr. 22, 1970, as amended at 36 FR 16898, Aug. 26, 1971; 59 FR 5519, Feb. 7, 1994]

## § 30.72 Schedule C—Quantities of radioactive materials requiring consideration of the need for an emergency plan for responding to a release.

Radioactive material <sup>1</sup>	Release fraction	Quantity (curies)
Actinium-228 .....	0.001	4,000
Americium-241 .....	.001	2
Americium-242 .....	.001	2
Americium-243 .....	.001	2
Antimony-124 .....	.01	4,000
Antimony-126 .....	.01	6,000
Barium-133 .....	.01	10,000
Barium-140 .....	.01	30,000
Bismuth-207 .....	.01	5,000
Bismuth-210 .....	.01	600
Cadmium-109 .....	.01	1,000
Cadmium-113 .....	.01	80
Calcium-45 .....	.01	20,000
Californium-252 .....	.001	9 (20 mg)
Carbon-14 (non-carbon dioxide) .....	.01	50,000
Cerium-141 .....	.01	10,000
Cerium-144 .....	.01	300
Cesium-134 .....	.01	2,000
Cesium-137 .....	.01	3,000
Chlorine-36 .....	.5	100
Chromium-51 .....	.01	300,000
Cobalt-60 .....	.001	5,000
Copper-64 .....	.01	200,000
Curium-242 .....	.001	60
Curium-243 .....	.001	3
Curium-244 .....	.001	4
Curium-245 .....	.001	2
Europium-152 .....	.01	500
Europium-154 .....	.01	400
Europium-155 .....	.01	3,000

Radioactive material <sup>1</sup>	Release fraction	Quantity (curies)
Germanium-68 .....	.01	2,000
Gadolinium-153 .....	.01	5,000
Gold-198 .....	.01	30,000
Hafnium-172 .....	.01	400
Hafnium-181 .....	.01	7,000
Holmium-166m .....	.01	100
Hydrogen-3 .....	.5	20,000
Iodine-125 .....	.5	10
Iodine-131 .....	.5	10
Indium-114m .....	.01	1,000
Iridium-192 .....	.001	40,000
Iron-55 .....	.01	40,000
Iron-59 .....	.01	7,000
Krypton-85 .....	1.0	6,000,000
Lead-210 .....	.01	8
Manganese-56 .....	.01	60,000
Mercury-203 .....	.01	10,000
Molybdenum-99 .....	.01	30,000
Neptunium-237 .....	.001	2
Nickel-63 .....	.01	20,000
Niobium-94 .....	.01	300
Phosphorus-32 .....	.5	100
Phosphorus-33 .....	.5	1,000
Polonium-210 .....	.01	10
Potassium-42 .....	.01	9,000
Promethium-145 .....	.01	4,000
Promethium-147 .....	.01	4,000
Ruthenium-106 .....	.01	200
Samarium-151 .....	.01	4,000
Scandium-46 .....	.01	3,000
Selenium-75 .....	.01	10,000
Silver-110m .....	.01	1,000
Sodium-22 .....	.01	9,000
Sodium-24 .....	.01	10,000
Strontium-89 .....	.01	3,000
Strontium-90 .....	.01	90
Sulfur-35 .....	.5	900
Technitium-99 .....	.01	10,000
Technitium-99m .....	.01	400,000
Tellurium-127m .....	.01	5,000
Tellurium-129m .....	.01	5,000
Terbium-160 .....	.01	4,000
Thulium-170 .....	.01	4,000
Tin-113 .....	.01	10,000
Tin-123 .....	.01	3,000
Tin-126 .....	.01	1,000
Titanium-44 .....	.01	100
Vanadium-48 .....	.01	7,000
Xenon-133 .....	1.0	900,000
Yttrium-91 .....	.01	2,000
Zinc-65 .....	.01	5,000
Zirconium-93 .....	.01	400
Zirconium-95 .....	.01	5,000
Any other beta-gamma emitter .....	.01	10,000
Mixed fission products .....	.01	1,000
Mixed corrosion products .....	.01	10,000
Contaminated equipment beta-gamma .....	.001	10,000
Irradiated material, any form other than solid noncombustible .....	.01	1,000
Irradiated material, solid noncombustible .....	.001	10,000
Mixed radioactive waste, beta-gamma .....	.01	1,000
Packaged mixed waste, beta-gamma <sup>4</sup> .....	.001	10,000
Any other alpha emitter .....	.001	2
Contaminated equipment, alpha .....	.0001	20
Packaged waste, alpha <sup>4</sup> .....	.0001	20
Combinations of radioactive materials listed above <sup>1</sup> .....		

<sup>1</sup> For combinations of radioactive materials, consideration of the need for an emergency plan is required if the sum of the ratios of the quantity of each radioactive material authorized to the quantity listed for that material in Schedule C exceeds one.

<sup>2</sup>Waste packaged in Type B containers does not require an emergency plan.

[54 FR 14061, Apr. 7, 1989, as amended at 61 FR 9902, Mar. 12, 1996]

#### APPENDIX A TO PART 30—CRITERIA RELATING TO USE OF FINANCIAL TESTS AND PARENT COMPANY GUARANTEES FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING

##### I. INTRODUCTION

An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on obtaining a parent company guarantee that funds will be available for decommissioning costs and on a demonstration that the parent company passes a financial test. This appendix establishes criteria for passing the financial test and for obtaining the parent company guarantee.

##### II. FINANCIAL TEST

A. To pass the financial test, the parent company must meet the criteria of either paragraph A.1 or A.2 of this section:

1. The parent company must have:

(i) Two of the following three ratios: A ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and

(ii) Net working capital and tangible net worth each at least six times the current decommissioning cost estimates for the total of all facilities or parts thereof (or prescribed amount if a certification is used), or, for a power reactor licensee, at least six times the amount of decommissioning funds being assured by a parent company guarantee for the total of all reactor units or parts thereof (Tangible net worth shall be calculated to exclude the net book value of the nuclear unit(s)); and

(iii) Tangible net worth of at least \$10 million; and

(iv) Assets located in the United States amounting to at least 90 percent of the total assets or at least six times the current decommissioning cost estimates for the total of all facilities or parts thereof (or prescribed amount if a certification is used), or, for a power reactor licensee, at least six times the amount of decommissioning funds being assured by a parent company guarantee for the total of all reactor units or parts thereof.

2. The parent company must have:

(i) A current rating for its most recent bond issuance of AAA, AA, A, or BBB as

issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's; and

(ii) Tangible net worth each at least six times the current decommissioning cost estimates for the total of all facilities or parts thereof (or prescribed amount if a certification is used), or, for a power reactor licensee, at least six times the amount of decommissioning funds being assured by a parent company guarantee for the total of all reactor units or parts thereof (Tangible net worth shall be calculated to exclude the net book value of the nuclear unit(s)); and

(iii) Tangible net worth of at least \$10 million; and

(iv) Assets located in the United States amounting to at least 90 percent of the total assets or at least six times the current decommissioning cost estimates for the total of all facilities or parts thereof (or prescribed amount if a certification is used), or, for a power reactor licensee, at least six times the amount of decommissioning funds being assured by a parent company guarantee for the total of all reactor units or parts thereof.

B. The parent company's independent certified public accountant must have compared the data used by the parent company in the financial test, which is derived from the independently audited, year end financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure the licensee shall inform NRC within 90 days of any matters coming to the auditor's attention which cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.

C. 1. After the initial financial test, the parent company must repeat the passage of the test within 90 days after the close of each succeeding fiscal year.

2. If the parent company no longer meets the requirements of paragraph A of this section, the licensee must send notice to the Commission of intent to establish alternate financial assurance as specified in the Commission's regulations. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year end financial data show that the parent company no longer meets the financial test requirements. The licensee must provide alternate financial assurance within 120 days after the end of such fiscal year.

##### III. PARENT COMPANY GUARANTEE

The terms of a parent company guarantee which an applicant or licensee obtains must provide that:

A. The parent company guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the licensee and the Commission. Cancellation may not occur, however, during the 120 days

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beginning on the date of receipt of the notice of cancellation by both the licensee and the Commission, as evidenced by the return receipts.

B. If the licensee fails to provide alternate financial assurance as specified in the Commission's regulations within 90 days after receipt by the licensee and Commission of a notice of cancellation of the parent company guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the licensee.

C. The parent company guarantee and financial test provisions must remain in effect until the Commission has terminated the license.

D. If a trust is established for decommissioning costs, the trustee and trust must be acceptable to the Commission. An acceptable trustee includes an appropriate State or Federal Government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

[53 FR 24046, June 27, 1988, as amended at 63 FR 50479, Sept. 22, 1998]

### APPENDIX B TO PART 30—QUANTITIES<sup>1</sup> OF LICENSED MATERIAL REQUIRING LABELING

<i>Material</i>	<i>Micro- curies</i>
Americium-241 .....	.01
Antimony-122 .....	100
Antimony-124 .....	10
Antimony-125 .....	10
Arsenic-73 .....	100
Arsenic-74 .....	10
Arsenic-76 .....	10
Arsenic-77 .....	100
Barium-131 .....	10
Barium-133 .....	10
Barium-140 .....	10
Bismuth-210 .....	1
Bromine-82 .....	10
Cadmium-109 .....	10
Cadmium-115m .....	10
Cadmium-115 .....	100
Calcium-45 .....	10
Calcium-47 .....	10
Carbon-14 .....	100
Cerium-141 .....	100
Cerium-143 .....	100
Cerium-144 .....	1
Cesium-131 .....	1,000
Cesium-134m .....	100
Cesium-134 .....	1
Cesium-135 .....	10
Cesium-136 .....	10
Cesium-137 .....	10
Chlorine-36 .....	10
Chlorine-38 .....	10
Chromium-51 .....	1,000
Cobalt-58m .....	10
Cobalt-58 .....	10
Cobalt-60 .....	1
Copper-64 .....	100
Dysprosium-165 .....	10
Dysprosium-166 .....	100

<i>Material</i>	<i>Micro- curies</i>
Erbium-169 .....	100
Erbium-171 .....	100
Europium-152 9.2 h .....	100
Europium-152 13 yr .....	1
Europium-154 .....	1
Europium-155 .....	10
Fluorine-18 .....	1,000
Gadolinium-153 .....	10
Gadolinium-159 .....	100
Gallium-72 .....	10
Germanium-71 .....	100
Gold-198 .....	100
Gold-199 .....	100
Hafnium-181 .....	10
Holmium-166 .....	100
Hydrogen-3 .....	1,000
Indium-113m .....	100
Indium-114m .....	10
Indium-115m .....	100
Indium-115 .....	10
Iodine-125 .....	1
Iodine-126 .....	1
Iodine-129 .....	0.1
Iodine-131 .....	1
Iodine-132 .....	10
Iodine-133 .....	1
Iodine-134 .....	10
Iodine-135 .....	10
Iridium-192 .....	10
Iridium-194 .....	100
Iron-55 .....	100
Iron-59 .....	10
Krypton-85 .....	100
Krypton-87 .....	10
Lanthanum-140 .....	10
Lutetium-177 .....	100
Manganese-52 .....	10
Manganese-54 .....	10
Manganese-56 .....	10
Mercury-197m .....	100
Mercury-197 .....	100
Mercury-203 .....	10
Molybdenum-99 .....	100
Neodymium-147 .....	100
Neodymium-149 .....	100
Nickel-59 .....	100
Nickel-63 .....	10
Nickel-65 .....	100
Niobium-93m .....	10
Niobium-95 .....	10
Niobium-97 .....	10
Osmium-185 .....	10
Osmium-191m .....	100
Osmium-191 .....	100
Osmium-193 .....	100
Palladium-103 .....	100
Palladium-109 .....	100
Phosphorus-32 .....	10
Platinum-191 .....	100
Platinum-193m .....	100
Platinum-193 .....	100
Platinum-197m .....	100
Platinum-197 .....	100
Plutonium-239 .....	.01
Polonium-210 .....	0.1
Potassium-42 .....	10
Praseodymium-142 .....	100
Praseodymium-143 .....	100
Promethium-147 .....	10
Promethium-149 .....	10
Radium-226 .....	.01
Rhenium-186 .....	100
Rhenium-188 .....	100

<i>Material</i>	<i>Micro-curies</i>
Rhodium-103m .....	100
Rhodium-105 .....	100
Rubidium-86 .....	10
Rubidium-87 .....	10
Ruthenium-97 .....	100
Ruthenium-103 .....	10
Ruthenium-105 .....	10
Ruthenium-106 .....	1
Samarium-151 .....	10
Samarium-153 .....	100
Scandium-46 .....	10
Scandium-47 .....	100
Scandium-48 .....	10
Selenium-75 .....	10
Silicon-31 .....	100
Silver-105 .....	10
Silver-110m .....	1
Silver-111 .....	100
Sodium-24 .....	10
Strontium-85 .....	10
Strontium-89 .....	1
Strontium-90 .....	0.1
Strontium-91 .....	10
Strontium-92 .....	10
Sulphur-35 .....	100
Tantalum-182 .....	10
Technetium-96 .....	10
Technetium-97m .....	100
Technetium-97 .....	100
Technetium-99m .....	100
Technetium-99 .....	10
Tellurium-125m .....	10
Tellurium-127m .....	10
Tellurium-127 .....	100
Tellurium-129m .....	10
Tellurium-129 .....	100
Tellurium-131m .....	10
Tellurium-132 .....	10
Terbium-160 .....	10
Thallium-200 .....	100
Thallium-201 .....	100
Thallium-202 .....	100
Thallium-204 .....	10
Thorium (natural) <sup>1</sup> .....	100
Thulium-170 .....	10
Thulium-171 .....	10
Tin-113 .....	10
Tin-125 .....	10
Tungsten-181 .....	10
Tungsten-185 .....	10
Tungsten-187 .....	100
Uranium (natural) <sup>2</sup> .....	100
Uranium-233 .....	.01
Uranium-234—Uranium-235 .....	.01
Vanadium-48 .....	10
Xenon-131m .....	1,000
Xenon-133 .....	100
Xenon-135 .....	100
Ytterbium-175 .....	100
Yttrium-90 .....	10
Yttrium-91 .....	10
Yttrium-92 .....	100
Yttrium-93 .....	100
Zinc-65 .....	10
Zinc-69m .....	100
Zinc-69 .....	1,000
Zirconium-93 .....	10
Zirconium-95 .....	10
Zirconium-97 .....	10
Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition .....	.01

<i>Material</i>	<i>Micro-curies</i>
Any radionuclide other than alpha emitting radionuclides, not listed above or mixtures of beta emitters of unknown composition .....	.1

<sup>1</sup>Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.

<sup>2</sup>Based on alpha disintegration rate of U-238, U-234, and U-235.

NOTE: For purposes of §20.303, where there is involved a combination of isotopes in known amounts, the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i.e., "unity").

[35 FR 6425, Apr. 22, 1970, as amended at 36 FR 16898, Aug. 26, 1971; 38 FR 29314, Oct. 24, 1973; 39 FR 23991, June 28, 1974; 45 FR 71763, Oct. 30, 1980. Redesignated at 56 FR 23391, May 21, 1991, and further redesignated at 58 FR 67659, Dec. 22, 1993]

#### APPENDIX C TO PART 30—CRITERIA RELATING TO USE OF FINANCIAL TESTS AND SELF GUARANTEES FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING

##### I. INTRODUCTION

An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning costs and on a demonstration that the company passes the financial test of Section II of this appendix. The terms of the self-guarantee are in Section III of this appendix. This appendix establishes criteria for passing the financial test for the self guarantee and establishes the terms for a self-guarantee.

##### II. FINANCIAL TEST

A. To pass the financial test, a company must meet all of the following criteria:

(1) Tangible net worth at least 10 times the total current decommissioning cost estimate for the total of all facilities or parts thereof (or the current amount required if certification is used), or, for a power reactor licensee, at least 10 times the amount of decommissioning funds being assured by a self guarantee, for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor for the total of all reactor units or parts thereof (Tangible net worth shall be calculated to exclude the net book value of the nuclear unit(s)).

(2) Assets located in the United States amounting to at least 90 percent of total assets or at least 10 times the total current decommissioning cost estimate for the total of all facilities or parts thereof (or the current amount required if certification is used), or, for a power reactor licensee, at least 10 times the amount of decommissioning funds being assured by a self guarantee, for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor for the total of all reactor units or parts thereof.

(3) A current rating for its most recent bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P), or Aaa, Aa, or A as issued by Moodys.

B. To pass the financial test, a company must meet all of the following additional requirements:

(1) The company must have at least one class of equity securities registered under the Securities Exchange Act of 1934.

(2) The company's independent certified public accountant must have compared the data used by the company in the financial test which is derived from the independently audited, year-end financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure, the licensee shall inform NRC within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.

(3) After the initial financial test, the company must repeat passage of the test within 90 days after the close of each succeeding fiscal year.

C. If the licensee no longer meets the requirements of Section II.A. of this appendix, the licensee must send immediate notice to the Commission of its intent to establish alternate financial assurance as specified in the Commission's regulations within 120 days of such notice.

### III. COMPANY SELF-GUARANTEE

The terms of a self-guarantee which an applicant or licensee furnishes must provide that:

A. The guarantee will remain in force unless the licensee sends notice of cancellation by certified mail to the Commission. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by the Commission, as evidenced by the return receipt.

B. The licensee shall provide alternative financial assurance as specified in the Commission's regulations within 90 days following receipt by the Commission of a notice of cancellation of the guarantee.

C. The guarantee and financial test provisions must remain in effect until the Commission has terminated the license or until

another financial assurance method acceptable to the Commission has been put in effect by the licensee.

D. The licensee will promptly forward to the Commission and the licensee's independent auditor all reports covering the latest fiscal year filed by the licensee with the Securities and Exchange Commission pursuant to the requirements of section 13 of the Securities and Exchange Act of 1934.

E. If, at any time, the licensee's most recent bond issuance ceases to be rated in any category of "A" or above by either Standard and Poors or Moodys, the licensee will provide notice in writing of such fact to the Commission within 20 days after publication of the change by the rating service. If the licensee's most recent bond issuance ceases to be rated in any category of A or above by both Standard and Poors and Moodys, the licensee no longer meets the requirements of Section II.A. of this appendix.

F. The applicant or licensee must provide to the Commission a written guarantee (a written commitment by a corporate officer) which states that the licensee will fund and carry out the required decommissioning activities or, upon issuance of an order by the Commission, the licensee will set up and fund a trust in the amount of the current cost estimates for decommissioning.

[58 FR 68730, Dec. 29, 1993; 59 FR 1618, Jan. 12, 1994, as amended at 63 FR 50479, Sept. 22, 1998]

## APPENDIX D TO PART 30—CRITERIA RELATING TO USE OF FINANCIAL TESTS AND SELF-GUARANTEE FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING BY COMMERCIAL COMPANIES THAT HAVE NO OUTSTANDING RATED BONDS

### I. INTRODUCTION

An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning costs and on a demonstration that the company passes the financial test of Section II of this appendix. The terms of the self-guarantee are in Section III of this appendix. This appendix establishes criteria for passing the financial test for the self-guarantee and establishes the terms for a self-guarantee.

### II. FINANCIAL TEST

A. To pass the financial test a company must meet the following criteria:

(1) Tangible net worth greater than \$10 million, or at least 10 times the total current decommissioning cost estimate (or the current amount required if certification is

used), whichever is greater, for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor.

(2) Assets located in the United States amounting to at least 90 percent of total assets or at least 10 times the total current decommissioning cost estimate (or the current amount required if certification is used) for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor.

(3) A ratio of cash flow divided by total liabilities greater than 0.15 and a ratio of total liabilities divided by net worth less than 1.5.

B. In addition, to pass the financial test, a company must meet all of the following requirements:

(1) The company's independent certified public accountant must have compared the data used by the company in the financial test, which is required to be derived from the independently audited year end financial statement based on United States generally accepted accounting practices for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure, the licensee shall inform NRC within 90 days of any matters that may cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.

(2) After the initial financial test, the company must repeat passage of the test within 90 days after the close of each succeeding fiscal year.

(3) If the licensee no longer meets the requirements of paragraph II.A of this appendix, the licensee must send notice to the NRC of intent to establish alternative financial assurance as specified in NRC regulations. The notice must be sent by certified mail, return receipt requested, within 90 days after the end of the fiscal year for which the year end financial data show that the licensee no longer meets the financial test requirements. The licensee must provide alternative financial assurance within 120 days after the end of such fiscal year.

### III. COMPANY SELF-GUARANTEE

The terms of a self-guarantee which an applicant or licensee furnishes must provide that:

A. The guarantee shall remain in force unless the licensee sends notice of cancellation by certified mail, return receipt requested, to the NRC. Cancellation may not occur until an alternative financial assurance mechanism is in place.

B. The licensee shall provide alternative financial assurance as specified in the regulations within 90 days following receipt by the NRC of a notice of cancellation of the guarantee.

C. The guarantee and financial test provisions must remain in effect until the Com-

mission has terminated the license or until another financial assurance method acceptable to the Commission has been put in effect by the licensee.

D. The applicant or licensee must provide to the Commission a written guarantee (a written commitment by a corporate officer) which states that the licensee will fund and carry out the required decommissioning activities or, upon issuance of an order by the Commission, the licensee will set up and fund a trust in the amount of the current cost estimates for decommissioning.

[63 FR 29542, June 1, 1998]

## APPENDIX E TO PART 30—CRITERIA RELATING TO USE OF FINANCIAL TESTS AND SELF-GUARANTEE FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING BY NONPROFIT COLLEGES, UNIVERSITIES, AND HOSPITALS

### I. INTRODUCTION

An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning costs and on a demonstration that the applicant or licensee passes the financial test of Section II of this appendix. The terms of the self-guarantee are in Section III of this appendix. This appendix establishes criteria for passing the financial test for the self-guarantee and establishes the terms for a self-guarantee.

### II. FINANCIAL TEST

A. For colleges and universities, to pass the financial test a college or university must meet either the criteria in Paragraph II.A.(1) or the criteria in Paragraph II.A.(2) of this appendix.

(1) For applicants or licensees that issue bonds, a current rating for its most recent uninsured, uncollateralized, and unencumbered bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P) or Aaa, Aa, or A as issued by Moodys.

(2) For applicants or licensees that do not issue bonds, unrestricted endowment consisting of assets located in the United States of at least \$50 million, or at least 30 times the total current decommissioning cost estimate (or the current amount required if certification is used), whichever is greater, for all decommissioning activities for which the college or university is responsible as a self-guaranteeing licensee.

B. For hospitals, to pass the financial test a hospital must meet either the criteria in Paragraph II.B.(1) or the criteria in Paragraph II.B.(2) of this appendix:

(1) For applicants or licensees that issue bonds, a current rating for its most recent

uninsured, uncollateralized, and unencumbered bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P) or Aaa, Aa, or A as issued by Moodys.

(2) For applicants or licensees that do not issue bonds, all the following tests must be met:

(a) (Total Revenues less total expenditures) divided by total revenues must be equal to or greater than 0.04.

(b) Long term debt divided by net fixed assets must be less than or equal to 0.67.

(c) (Current assets and depreciation fund) divided by current liabilities must be greater than or equal to 2.55.

(d) Operating revenues must be at least 100 times the total current decommissioning cost estimate (or the current amount required if certification is used) for all decommissioning activities for which the hospital is responsible as a self-guaranteeing licensee.

C. In addition, to pass the financial test, a licensee must meet all the following requirements:

(1) The licensee's independent certified public accountant must have compared the data used by the licensee in the financial test, which is required to be derived from the independently audited year end financial statements, based on United States generally accepted accounting practices, for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure, the licensee shall inform NRC within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the licensee no longer passes the test.

(2) After the initial financial test, the licensee must repeat passage of the test within 90 days after the close of each succeeding fiscal year.

(3) If the licensee no longer meets the requirements of Section I of this appendix, the licensee must send notice to the NRC of its intent to establish alternative financial assurance as specified in NRC regulations. The notice must be sent by certified mail, return receipt requested, within 90 days after the end of the fiscal year for which the year end financial data show that the licensee no longer meets the financial test requirements. The licensee must provide alternate financial assurance within 120 days after the end of such fiscal year.

### III. SELF-GUARANTEE

The terms of a self-guarantee which an applicant or licensee furnishes must provide that—

A. The guarantee shall remain in force unless the licensee sends notice of cancellation by certified mail, and/or return receipt requested, to the Commission. Cancellation may not occur unless an alternative financial assurance mechanism is in place.

B. The licensee shall provide alternative financial assurance as specified in the Commission's regulations within 90 days following receipt by the Commission of a notice of cancellation of the guarantee.

C. The guarantee and financial test provisions must remain in effect until the Commission has terminated the license or until another financial assurance method acceptable to the Commission has been put in effect by the licensee.

D. The applicant or licensee must provide to the Commission a written guarantee (a written commitment by a corporate officer or officer of the institution) which states that the licensee will fund and carry out the required decommissioning activities or, upon issuance of an order by the Commission, the licensee will set up and fund a trust in the amount of the current cost estimates for decommissioning.

E. If, at any time, the licensee's most recent bond issuance ceases to be rated in any category of "A" or above by either Standard and Poors or Moodys, the licensee shall provide notice in writing of such fact to the Commission within 20 days after publication of the change by the rating service.

[63 FR 29542, June 1, 1998]

## PART 31—GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

### Sec.

- 31.1 Purpose and scope.
- 31.2 Terms and conditions.
- 31.3 Certain devices and equipment.
- 31.4 Information collection requirements: OMB approval.
- 31.5 Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere.
- 31.6 General license to install devices generally licensed in §31.5.
- 31.7 Luminous safety devices for use in aircraft.
- 31.8 Americium-241 in the form of calibration or reference sources.
- 31.9 General license to own byproduct material.
- 31.10 General license for strontium 90 in ice detection devices.
- 31.11 General license for use of byproduct material for certain in vitro clinical or laboratory testing.
- 31.12 Maintenance of records.
- 31.13 Violations.
- 31.14 Criminal penalties.

AUTHORITY: Secs. 81, 161, 183, 68 Stat. 935, 948, 954, as amended (42 U.S.C. 2111, 2201, 2233); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).